

REMARKS

Claims 1-14 are pending in the application. Claims 1-14 stand rejected.

Claims 15-25 have been newly added. Support for the new claims is found in applications specification, for example, page 20, line 22 through page 11, line 19.

The new claims include distinguishing features for example: controlling transmission power of said control signal separately from transmission power of said data signal,

Also for example, claim 17 defines the control signal indicates a format of the transport channel.

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 8 have been clarified to describe the signal being transmitted. It is respectfully requested the rejection be withdrawn.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bi et al. (EP 1009107) (Bi) in view of the applicant's admitted prior art (AAPA).

The Office Action relies on Bi to show the power variable unit or changing the transmission power and pointes to col. 1, lines 30-51 and col. 2, lines 18-19.

However it is respectfully submitted that applicant's claims are different from the combination of references because Bi describes the transmit power control information transmitted from the mobile station to the base station which allows the base station to increase or decrease the power of the voice and data channels.

There is no description in Bi or AAPA of controlling the transmission power of the control channel. For example claim 1 recites: a power variable unit transmitting the control signal after changing transmission power of the control signal based on a value of the error rate. Where the error rate is of the control signal.

Also new claim 15 recites: controlling transmission power of said control signal separately from transmission power of said data signal based on an error condition of said control signal received by said other communication apparatus.

In contrast Bi describes the same power control information is used to control both the Voice and data channels, however the cited reference states nothing about the power control of the pilot signal or dedicated control channel which are described in column 1, lines 18-22 of Bi.

In other words Bi describes the pilot signal and dedicated control signal, but nowhere does the cited reference provide any information on changing the transmission power of the pilot signal and dedicated control signal. Bi only describes the Voice and data channels.

Bi mentions that more than two channels could be controlled further citing a video channel or two data channels and a voice channel (paragraph 10) but again never mentions anything concerning transmit power of the control channel.

AAPA also describes that the prior art is lacking because of the inability to control the transmit (page 6, lines 12-21).

Because both Bi and AAPA fail to teach the changing of the transmission power of the control signal it is respectfully requested the rejection be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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Docket No.: FUJO 20.466 (100794-00449)